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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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10 UNITED STATES OF AMERICA, ) Case No.: SA 08-599 M  
11 Plaintiff, )  
12 vs. ) ORDER OF DETENTION [8 U.S.C. § 1326]  
13 DANIEL HERNANDEZ BARRERA, ) [flight & danger]  
14 )  
15 Defendant. )  
16 \_\_\_\_\_

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18 Before the Court is the Government's request for an order detaining the defendant on the ground  
19 that there is a serious risk defendant will flee. The Government is not entitled to a rebuttable presumption  
20 that no condition or combination of conditions will reasonably assure defendant's appearance as required  
21 and the safety of any person or the community.

22 The Court has considered all of the evidence adduced at the hearing and the arguments and/or  
23 statements of counsel. The Court has also considered: (1) the nature and circumstances of the offenses;  
24 (2) the weight of evidence against the defendant; (3) the history and characteristics of the defendant; and  
25 (4) the nature and seriousness of the danger to any person or the community.

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1       The Court finds that no condition or combination of conditions will reasonably assure the  
2 defendant's appearance as required and the safety of the community, and that the defendant is a flight risk  
3 and danger to the community because of the following factors:

4                   (X) status as an illegal alien,  
5                   (X) insufficient bail resources,  
6                   (X) insufficient ties to the local community and strong ties to a foreign country,  
7                   (  ) current state custodial status,  
8                   (X) use of aliases and/or multiple name variations,  
9                   (  ) prior failure to appear,  
10                  (X) use of more than one social security number, and (X) more than one birth date,  
11                  (X) unstable/lack of employment history,  
12                  (X) prior violations of probation,  
13                  (X) extensive criminal history, including convictions for violent offenses  
14                  (  ) history of illegal drug use or substance abuse,  
15                  (X) prior deportations, and  
16                  (  ) \_\_\_\_\_.

17                  (X) Pretrial Services's report and recommendation to detain the defendant for the  
18                  reasons set forth in the Pretrial Services's report.

19                  IT IS THEREFORE ORDERED that defendant be: (1) detained prior to trial and committed to the  
20 custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable,  
21 from persons awaiting or serving sentences or being held in custody pending appeal; and (2) afforded  
22 reasonable opportunity for private consultation with counsel. IT IS FURTHER ORDERED that, on order  
23 of a Court of the United States or on request of any attorney for the Government, the person in charge of  
24 the corrections facility in which defendant is confined deliver defendant to a United States marshal for the  
25 purpose of an appearance in connection with a court proceeding.

26                  Dated: October 16, 2008

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28                  /s/ Arthur Nakazato  
                          ARTHUR NAKAZATO  
                          UNITED STATES MAGISTRATE JUDGE